

**Municipal Review Committee Meeting Minutes of February 27, 2006**

**Attendance:**

Matt Balling, MRC Chairman	Paul Shear, MRC Member
Richard Bigler, MRC Member	John Moulin, MRC Member
Lisa Bertino-Beaser, MRC Member	Richard McNamara, MRC Member
Jim Callahan, Director of Community Development	
Ryan Mills, MRC Member	

**Other interested parties:**

Gary Jason	Tom Theilman
Steve Bengart, Town Attorney	Cesare Banach
Ken Zollitsch	Dominic Piestrak
Phil Silvestri	

**Agenda Item #1 - Approval of Minutes**

**ACTION:** Motion made by Matt Balling, seconded by Richard McNamara to APPROVE the minutes from the January 23, 2005 meeting, as written.

<b>VOTING:</b>	Ayes:	ALL	
	Nays:	NONE	<b>MOTION PASSED.</b>

**Agenda Item #2 - Communications:**

No Communications to report.

**Agenda Item #3 - Unfinished Business:**

**Agenda Item #3.a. – Stage and Schurr Subdivision**

Phase One of the archeological study has been received. The site has been gridded into six or seven areas. Fragments were detected in one of the areas, thus, the author of the study recommends further digging be conducted to make sure there is not a major settlement under the initial digging holes.

Matt Balling asks Gary Jason, project representative, what are the intentions for the project since learning the results of the archeological study. This is the northeast area of the site. Mr. Jason advises he will continue with the next stage as recommended, but would like to know if there are other options available. Matt Balling indicates the item can be tabled until the study is finalized and reviewed by the Municipal Review Committee or it can be forwarded to the Town Board with a recommendation to issue a positive declaration. There is a potentially large environmental impact that needs to be mitigated. The site is approximately ten (10) acres.

**ACTION:** Motion by Richard McNamara, seconded by Lisa Bertino-Beaser, to TABLE Item #3.a. pending review of the results for the additional archeological study.

**VOTING:** Ayes: ALL  
Nays: NONE

**MOTION PASSED.**

**Agenda Item #3.b. – Arthur Fuerst, 9450 Main Street Coffee Shop**

The Municipal Review Committee has solicited Lead Agency status and has received all comments for involved agencies. The only official comment received was from the Department of Environmental Conservation, indicating an appropriate septic system needs to be designed and approved by the Health Department. If the sites disturbed area exceeds one (1) acre an erosion sediment control plan and storm water management plan needs to be prepared. The disturbed area does not appear to exceed one (1) acre. There are three other concerns; traffic, pedestrian accommodation and community character. Part II of the project needs to be reviewed and discussion is as follows:

The proposed action will result in a physical change to the project site. The thresholds that are identified are not met. There are no special geological features on the site. There are no bodies of water affected. The new septic system would have a small to moderate impact. One septic system is being eliminated from the house. The proposed action will be a small to moderate impact on the drainage flow or patterns, or surface water runoff; the amount of impervious surface is increasing. The proposed action will not affect air quality, nor will it have an affect on threatened or endangered species, however, the project will have an affect on non-threatened or non-endangered species but it will not be substantial. The proposed action will not affect agricultural land resources. The project will affect aesthetic resources; there is a major concern regarding saving trees and greenspace on the site, this is a potential large impact, but can be mitigated by a project change. The project will not have an impact on historic or archaeological resources. The proposed project is not considered open space. There is no impact on critical environmental areas. There is a potentially large impact on transportation and pedestrian safety. The proposed action will not affect the community's sources of fuel or energy supply, nor will there be objectionable odors, noise or vibration. There will be no impact on public health and safety. The project will have a small to moderate impact on the character of the existing community with regards to the roads. It appears there is no public controversy related to this proposal. The project will be visible from a county and state road. The surrounding environment is forested, suburban residential and commercial within one-quarter (1/4) mile. There are similar projects within one-half (1/2) mile. The annual number of viewers likely to observe the proposed project is greater than five million (5,000,000). While viewing the proposed action the people are usually traveling to and from work, routine travel by residents or at a worksite.

The three potentially large impacts on the study have to do with major traffic problems, pedestrian safety and aesthetic resources in removal of the tree canopy. All members of the Municipal Review Committee agree with this, however, Paul Shear raises a question; will the presence of this coffee shop cause people to divert from their normal travel increasing the traffic at this intersection? Mr. Shear has a concern with the traffic pattern within the facility; when a car goes through the drive-thru it must go through twice in order to exit. Mr. Shear also has a

concern with the drive-up window for the dry cleaners; it is in the same traffic pattern as the cars entering off Main Street coming from the west going around the east side of the cleaners and he is not sure the width of the traffic lane is sufficient.

Mr. Shear also voices his concern regarding the mature trees on the site; it would be in everyone's interest to save these trees.

**ACTION:** Motion by Matt Balling, seconded by Ryan Mills, to ACCEPT the Part II for Item #3.b., as written.

**VOTING:** Ayes: ALL  
Nays: NONE

**MOTION PASSED.**

**ON THE QUESTION:**

Matt Balling advises the applicant that a Part III needs to be prepared. The Part III documents in detail the particular concerns of the project that have the potentially large impacts on the environment. The items that need to be addressed are the traffic concerns, pedestrian safety and the tree canopy and its aesthetic significance. The Municipal Review Committee is looking for safe access from the existing sidewalk systems to the buildings on the site. It is suggested more stacking space be allowed or a wider driveway. Phil Silvestri, the applicant's architect, does not see a problem with the tree issue, it is resolvable. Mr. Silvestri also thinks the pedestrian safety issue can be resolved easily. The traffic issue will have to be further discussed with the applicant.

The Environmental Impact Study must address the issues brought up by the Municipal Review Committee. Steve Bengart said it is acceptable if the applicant asks the Municipal Review Committee to table the project in order to keep some costs down and to allow time for the studies to be completed that address the issues without having the full impact study done. This is acceptable as long as it is documented that the action is for the convenience of the applicant. The law states the cost of the Environmental Impact Study is half of one percent (1%) of the total project value. The law also states that if the Municipal Review Committee is not satisfied with the way the issues are addressed and resolved, the project can be denied. The Municipal Review Committee is a recommending body; the project still has to go through the Town Board.

**ACTION:** Motion by Richard Bigler, seconded by Matt Balling, to TABLE Item #3.b. pending further information, this at the request of the applicant. Until this committee is satisfied the project will not be moved on unless it is forwarded with a positive declaration, as stated by the Town Attorney.

**VOTING:** Ayes: ALL  
Nays: NONE

**MOTION PASSED.**

**Agenda Item #4 – New Business**

**Agenda Item #4.a. – Cesare Banach Commercial Project, 8500 Roll Road**

Part One of the Environmental Impact Study needs to be reviewed. The applicant is proposing a septic system as opposed to a sewer system, so there will be no public infrastructures to this project as proposed. There are no other comments on the Part One.

Jim Callahan does not think it is necessary to have coordinated review for this project unless there is some concern of the Board. Matt Balling explains that, technically, sending a Part One to involved agencies is not necessary to satisfy the environmental process, it is an option. The septic system information will have to be sent to the County and the Engineer will have to review the storm-water and erosion control plans.

Matt Balling asks the applicant if he is required to obtain coverage under the SPDES permit for general construction activities, this is for projects greater than one (1) acre. The applicant advises he does not have to comply with this. The roads, buildings and other paved surfaces are two acres in size; this may indicate that coverage under a SPDES permit is required.

Tom Theilman, of Urban Engineers, is the builder and is present. Cesare Banach, owner of the property is also present.

The site is zoned Residential. A variance for the use was granted in 2005. The parking was designed in conformance with the Zoning Law.

**ACTION:** Motion by Matt Balling, seconded by Lisa Bertino-Beaser, to RECOMMEND the Town conduct an uncoordinated review of Item #4.a. based on the fact that it is an unlisted action under SEQR.

**VOTING:** Ayes: ALL  
Nays: NONE

**MOTION PASSED.**

Part II of the Environmental Impact Study is discussed. The proposed action will result in a physical change to the project site. There will be no effect to any unique or unusual land forms found on the site. The storm-water system is self-contained. The storm water goes into detention ponds. There are no wetlands, other than along the creek corridor and the proposed plan avoids this area. The proposed action will not affect any non-protected existing or new body of water. There is no existing septic system on the site, therefore, the project will affect surface or groundwater quality or quantity, this is a small to moderate impact. The proposed action will alter drainage flow or patterns, or surface water runoff. Stormwater management will be required; this is a small to moderate impact and can be mitigated by a project change. The project will not affect the air quality or any animals. There is no impact on agricultural land resources. Aesthetic resources will not be affected. The existing building was built in 1988. The traffic will be increased due to this project but not enough to warrant a traffic study. The driveways accessing the highway are deemed to be acceptable for the traffic study. Any storage

and disposal of any hazardous materials would be done in accordance with the state and federal regulations.

**ACTION:** Motion by Paul Shear, seconded by Ryan Mills, to ACCEPT Part II for Item # 4.a., as prepared with no potential adverse environmental impacts.

**VOTING:** Ayes: ALL  
Nays NONE **MOTION PASSED.**

**ACTION:** Motion by Matt Balling, seconded by Paul Shear, to RECOMMEND a negative declaration to the Town Board on Item #4.a.

**VOTING:** Ayes: ALL  
Nays NONE **MOTION PASSED.**

**Agenda Item #4.b. – Roll Road Industrial Business Park, 8540 Roll Road**

This project is a Type I action under SEQR, therefore a coordinated review is required and Part I needs to be completed.

Ken Zollitsch, of Greenman-Pedersen Inc. is present. Dominic Piestrak and Nick Piestrak are also present. Dominic Piestrak advises the Municipal Review Committee that there are questions with the road. The Planning Board suggested moving the road to connect it with Harris Hill Road. There have been preliminary talks with the Erie County Highway Department and they would like the right-of-way on Harris Hill to be direct. Mr. Piestrak would like to work something out with his neighbor, Mr. Banach. At this point the road extension is preliminary; therefore, Mr. Piestrak is not in a position to address the subject. The curve meets the minimum requirements in the Subdivision Law; it can not be any steeper. There has been a preliminary wetland delineation done, it shows more open space than necessary. The creek and the wetland area would not be disturbed. The road will cross over the creek; however it would not disturb the creek. The wetlands are along Gott Creek.

It is difficult to show lot sizes or to tell what type of tenant will occupy the lot. This is a proposed guideline; it is not like a subdivision with specific lots. Each time a customer purchases property from this lot they would have to go before the Board with their proposal. An archeological study has not been done yet.

The Zoning setbacks refer to the developed part of the property.

Matt Balling voices his concerns with this property. He asks what will happen to the second half of this property; it appears that there will be no road frontage left. Mr. Balling wonders what will happen to the northerly portion of the lot with regards to the road. He also asks Mr. Piestrak if a public sewer will serve these lots. Jim Callahan states that this area is in the Master Sewer Plan. The long range plan is to extend a trunk line up to the Peanut Line through this area, therefore, the potential is present for sewer connections, the issue is capacity at the current time. This area would be serviced by Heise-Brookhaven.

Matt Balling states this could be considered permissible segmentation because it is unknown as to where future road extensions might go. The future land use of the northern portion of the land is unknown, as well.

It is confirmed that question number 16 on Part I of the Full Environmental Assessment Form is correct as is. Question number 13 is amended to reflect the addition of the word “septic”.

**ACTION:** Motion by Richard Bigler, seconded by Ryan Mills, to RECOMMEND Town Board solicit Lead Agency status on Item #4.b.

**VOTING:** Ayes: ALL  
Nays: NONE **MOTION PASSED.**

Richard Bigler attended the Association of the Town’s meeting. A new SEQR change was enacted in 2005 and will be effective on February 26, 2006. It is in regards to a publicly accessible website for EIS. It is in the early stages and the proper procedures are being worked out.

Richard Bigler attended a Stormwater Regulation seminar. The management of the eco-systems is being turned over from the Department of Environmental Conservation to the Towns in 2008. Detention Pond guidelines are being changed to allow a more natural look, this also alleviates the contaminants in the area. A self-managed eco-system is not conducive for mosquito-like contaminant stagnant waters.

**Agenda Item #5 – Miscellaneous**

**Agenda Item #5.a. - Adequate Public Facilities Local Law/Amendments to Master Plan 2015**

Jim Callahan distributes a brief update regarding the issues relating to Adequate Public Facilities; however nothing has been finalized yet.

**Agenda Item #5.b. – Residential Home Building Cap**

Matt Balling advises a public hearing was held and it was decided to postpone taking any action on the Residential Home Building Cap until another public hearing is held in March 2006.

**Agenda Item #5.C. – Land Use Training**

When a member completes a test it can be forwarded to the Planning and Zoning Office in a sealed envelope. The tests will then be forwarded to Gerald Drinkard.

Matt Balling asks for clarification on the Heise-Brookhaven Sewer Project. It is his understanding that the sewer had the capacity built into it to provide for one thousand (1,000)

taps. Not all of these taps have been used yet. Jim Callahan states that, under theoretical conditions, if all one thousand (1,000) taps are built out the taps are spoken for. Under empirical conditions there may be additional capacity, but that is unknown until the thousand (1,000) units and the Hollow are hooked up. The Master Sewer Plan envisioned supplying sewers to the pollution area of Harris Hill. The Town wanted to make sure the extended Harris Hill area remained as a commercial/industrial zone. The sewer is a private sewer built under the name of the Town of Clarence with the exception of what served Clarence Hollow and the Town. It does not serve the Middle School.

**Agenda Item #6 – Establish next meeting date**

Matt Balling states the next meeting date is Monday March 20, 2006.

Meeting adjourned at 9:00 p.m.

Matt Balling, Chairman